EXHIBIT 226.45.—GLOBAL PRIORITY MAIL, FLAT-RATE BOX VOLUME RATES

Geographic region	(10–14 pieces)	(15–19 pieces)	(20 or more (pieces)
Western Europe	$19.50	$18.50	$17.50
North America	19.50	18.50	17.50
South America	19.50	18.50	17.50
Middle East	19.50	18.50	17.50
Pacific Rim	27.00	25.50	24.00

Weight limit 4 lbs.

* * * * *

226.62 Marking

Global Priority Mail items must be mailed in special envelopes (EP–15A, EP–15B), a flat rate box (01099X), or with the Global Priority Mail sticker (DEC–10) provided by the Postal Service. (These supplies may be obtained by calling 800–222–1811). Unmarked pieces are subject to the applicable LC/AO airmail regular rates and treatment. Pieces paid at the Global Priority Mail sticker rate must have the DEC–10 sticker affixed to the address side of the package.

* * * * *

226.7 Size and Weight Limits

226.71 Size Limits

* * * * *

226.714 Global Priority Mail, Flat Rate Box

The dimensions of the Global Priority Mail 4 pound box are: 12 5/16x9 1/4x2 inches.

226.72 Weight Limit

Items sent as Global Priority Mail in envelopes or boxes, or using the variable weight option, must not exceed 4 pounds.

* * * * *

226.8 Mailer Preparation

* * * * *

226.82 Deposit of Mail

Global Priority Mail single-piece variable weight option pieces, Global Priority Mail flat-rate envelopes and Global Priority Mail flat-rate boxes with postage affixed may be deposited wherever Express Mail is accepted. These include: post office windows, handed to a letter carrier, placed in an Express Mail street collection box (only if less than 1 pound) or by calling 1–800 222–1811 for pickup. Global Priority Mail pieces paid by permit imprint and pieces mailed at the Global Priority Mail volume rates must be deposited at a business mail acceptance unit as authorized by the postmaster in the designated Global Priority Mail sites for acceptance. Metered mail must be deposited in locations under the jurisdiction of the licensing post office except as permitted under Domestic Mail Manual (DMM) P030.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98–2527 Filed 2–2–98; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI75–01–7304; FRL–5958–7]

Approval and Promulgation of Implementation Plan; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposed to approve Wisconsin's request to grant an exemption for the Milwaukee severe and Manitowoc County moderate ozone nonattainment areas from the applicable Oxides of Nitrogen (NOx) transportation conformity requirements on June 12, 1997. The proposal was based on information the Wisconsin Department of Natural Resource (WDNR) submitted to the EPA as a State Implementation Plan (SIP) revision request for an exemption under section 182(b)(1) of the Clean Air Act (Act). The request was based on the urban airshed modeling (UAM) conducted for the attainment demonstration for the Lake Michigan Ozone Study (LMOS) modeling domain. The EPA is temporarily granting this exemption until a control strategy SIP is approved.

DATES: This rule will be effective April 6, 1998.

ADDRESSES: Copies of the SIP revision, public comments and EPA's responses are available for inspection at the following address:

Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

A copy of this SIP revision is available for inspection at the following location:

Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: Michael G. Leslie, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353–6680.

SUPPLEMENTARY INFORMATION:

I. Background

Clean Air Act section 176(c)(3)(A)(iii) requires, in order to demonstrate conformity with the applicable SIP, that transportation plans and Transportation Improvement Programs (TIPs) contribute to emissions reductions in ozone and carbon monoxide nonattainment areas during the period before control strategy SIPs are approved by USEPA. This requirement is implemented in 40 CFR 51.436 through 51.440 (and § § 93.122 through 93.124), which establishes the so-called ''build/no-build test.'' This test requires a demonstration that the ''Action'' scenario (representing the implementation of the proposed transportation plan/TIP) will result in lower motor vehicle emissions than the ''Baseline'' scenario (representing the implementation of the current transportation plan/TIP). In addition, the ''Action'' scenario must result in emissions lower than 1990 levels.

The November 24, 1993, final transportation conformity rule [1] does not require the build/no-build test and less-

[1] ''Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved under Title 23 U.S.C. of the Federal Transit Act'' November 24, 1993 (58 FR 62188).

than–1990 test for NOx as an ozone precursor in ozone nonattainment areas, where the Administrator determines that additional reductions of NOx would not contribute to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone. Clean Air Act section 176(c)(3)(A)(iii), which is the conformity provision requiring contributions to emission reductions before SIPs with emissions budgets can be approved, specifically references Clean Air Act section 182(b)(1). That section requires submission of State plans that, among other things, provide for specific annual reductions of volatile organic compounds (VOCs) and NOx emissions ''as necessary'' to attain the ozone standard by the applicable attainment date. Section 182(b)(1) further states that its requirements do not apply in the case of NOx for those ozone nonattainment areas for which USEPA determines that additional reductions of NOx would not contribute to ozone attainment.

For ozone nonattainment areas, the process for submitting waiver requests and the criteria used to evaluate them are explained in the December 1993 USEPA document ''Guidelines for Determining the Applicability of Nitrogen Oxides Requirements Under Section 182(f),'' and the May 27, 1994, and February 8, 1995, memoranda from John S. Seitz, Director of the Office of Air Quality Planning and Standards, to Regional Air Division Directors, titled ''Section 182(f) NOx Exemptions—Revised Process and Criteria.''

On July 13, 1994, the States of Illinois, Indiana, Michigan, and Wisconsin (the States) submitted to the USEPA a petition for an exemption from the requirements of section 182(f) of the Clean Air Act (Act). The States, acting through the Lake Michigan Air Directors Consortium (LADCo), petitioned for an exemption from the Reasonably Available Control Technology (RACT) and New Source Review (NSR) requirements for major stationary sources of NOx. The petition also asked for an exemption from the transportation and general conformity requirements for NOx in all ozone nonattainment areas in the Region.

On March 6, 1995, the USEPA published a rulemaking proposing approval of the NOx exemption petition for the RACT, NSR and transportation and general conformity requirements. A number of comments were received on the proposal. Several commenters argued that NOx exemptions are provided for in two separate parts of the Act, in sections 182(b)(1) and 182(f), but that the Act's transportation conformity provisions in section 176(c)(3) explicitly reference section 182(b)(1). In April 1995, the USEPA entered into an agreement to change the procedural mechanism through which a NOx exemption from transportation conformity would be granted (*EDF et al.* v. *USEPA*, No. 94–1044, U.S. Court of Appeals, D.C. Circuit). Instead of a petition under section 182(f), transportation conformity NOx exemptions for ozone nonattainment areas that are subject to section 182(b)(1) now need to be submitted as a SIP revision request. The Milwaukee and the Manitowoc ozone nonattainment areas are classified as moderate or above and, thus, are subject to section 182(b)(1).

The transportation conformity requirements are found at sections 176(c)(2), (3), and (4). The conformity requirements apply on an areawide basis in all nonattainment and maintenance areas. The USEPA's transportation conformity rule was amended on August 29, 1995 (60 FR 44762) to reference section 182(b)(1) rather than section 182(f) as the means for exempting areas subject to section 182(b)(1) from the transportation conformity NOx requirements.

The July 10, 1996, SIP revision request from Wisconsin was submitted to meet the requirements in accordance with section 182(b)(1). Public hearings on this SIP revision request were held on January 11 and 12, 1995.

In evaluating the section 182(b) SIP revision request, the USEPA considered whether additional NOx reductions would contribute to attainment of the standard in Milwaukee severe and Manitowoc County moderate ozone nonattainment areas and also in the downwind areas of the LMOS modeling domain.

As outlined in relevant USEPA guidance, the use of photochemical grid modeling is the recommended approach for testing the contribution of NOx emission reductions to attainment of the ozone standard. This approach simulates conditions over the modeling domain that may be expected at the attainment deadline for three emission reduction scenarios: (1) Substantial VOC reductions; (2) substantial NOx reductions; and (3) both VOC and NOx reductions. If the areawide predicted maximum one-hour ozone concentration for each day modeled under scenario (1) is less than or equal to those from scenarios (2) and (3) for the corresponding days, the test is passed and the section 182(f) NOx emissions reduction requirements would not apply.

In making this determination under section 182(b)(1) that the NOx requirements do not apply, or may be limited in the Lake Michigan area, the USEPA has considered the National study of ozone precursors completed pursuant to section 185B of the Act. The USEPA has based its decision on the demonstration and the supporting information provided in the SIP revision request.

II. Public Comments

On June 12, 1997, the EPA proposed approval of the Wisconsin request to grant an exemption for the Milwaukee severe and Manitowoc County moderate ozone nonattainment areas from the applicable Oxides of Nitrogen (NOx) transportation conformity requirements. The EPA received five sets of comments during the public comment period which ended on July 14, 1997. Four of the comments where in favor of the EPA proposal, and one set was critical of the proposal.

Comment: Wisconsin has failed to establish a NOx budget for these ozone nonattainment areas. Wisconsin has yet to develop and submit such budgets as required by November 1994. Until these attainment demonstrations, encompassing verifiable and allocated (biogenic, point, mobile, and area) NOx emission budgets, are submitted and complete, any determination that required control strategies are not necessary is premature and unfounded.

Response: The EPA acknowledges that the State has not submitted the attainment demonstration as required, but EPA can process this SIP revision without an attainment demonstration. As described in the proposal, EPA is issuing this waiver on a temporary basis while more detail modeling information is being developed and submitted.

Comment: The Wisconsin submittal failed to demonstrate that low-level NOx reductions in the Milwaukee and Manitowoc nonattainment areas would not improve air quality. While the submittal did analyze domain-wide low level NOx reductions, no such analysis was performed for the specific Wisconsin counties. The State of Wisconsin in coordination with LADCo, has the capabilities to model NOx emissions from mobile sources in these counties. The EPA should require such a demonstration before taking final action on this rulemaking.

Response: The LADCo analysis demonstrated that across the board reductions in NOx from point, area, and mobile sources would not improve air quality in the modeling domain. Further, LADCo performed an analysis which focused on NOx reductions from point sources. This analysis showed a small increase in ozone formation. From

this result LADCo concluded that low level NOx controls, i.e. mobile and area sources, would be detrimental to air quality in the modeling domain. The EPA accepts these conclusions.

Comment: The Wisconsin submittal failed to incorporate the LADCo ''Episode 4'' analysis. This episode represents meteorological conditions with predominately east-to-west transport patterns. These types of episodes will be important when assessing the revised NAAQS eight hour exposure in Eastern Wisconsin. Areas such as Fox Valley and Dane County, Wisconsin have already recorded eight hour average ozone levels greater than 80 ppb.

Response: The EPA disagrees that Episode 4 was not incorporated into Wisconsin's NOx waiver submittal. The August 22, 1994, EPA technical review and the LADCo July 13, 1994, technical support document for the NOx exemption modeling analysis clearly detail that Episode 4 is included in the NOx waiver submittal. This episode predicted that the highest domain-wide peak ozone concentrations occur under the NOx-only reduction case. The modeling demonstration also showed that NOx reductions are too limited to contribute to attainment of the ozone standard.

Comment: Michigan Counties now in violation of the ozone NAAQS will benefit from low-level NOx emissions reductions.

Response: Weather conditions which typically produce high levels of ozone in the western Michigan area feature winds generally from the south to southwest. NOx controls in Wisconsin have a minimal affect on air quality in western Michigan during these high ozone episodes. The LADCO modeling demonstrates that air quality benefits in western Michigan occur primarily as a result of NOx controls in Illinois and Indiana.

Comment: The EPA has failed to adequately consider the benefits of NOx emissions reductions in the Milwaukee and Manitowoc nonattainment areas.

Response: As stated above, the LADCo analysis demonstrated that across-the-board reductions in NOx from point, area, and mobile sources would not improve air quality in the modeling domain. Further, LADCo performed an analysis which focused on NOx reductions from point sources. This analysis showed a small increase in ozone formation. From this result LADCo concluded that low level NOx controls, i.e. mobile and area sources, would be detrimental to air quality in the modeling domain. The EPA accepts these conclusions.

Comment: The EPA and Wisconsin failed to perform the appropriate environmental justice analysis. The EPA has failed to consider the spatial impact of where reductions could be anticipated and where increases might occur with and without NOx conformity requirements in Wisconsin.

Response: As discussed in the July 14, 1997, proposed approval, the role that NOx emissions play in producing ozone at any given place and time is complex. NOx primarily represents a sum of two oxides of nitrogen, namely nitrogen oxide (NO) and nitrogen dioxide (NO_2). In the presence of sunlight, NO_2 photo-dissociates into NO and a single oxygen atom. The oxygen atom reacts with molecular oxygen (O_2) to form ozone (O_3). NO, on the other hand, near its source area readily reacts with ozone to form O_2 and NO_2. The generated NO_2 is then free to photo-dissociate and lead to ozone formation further downwind. The reaction of NO with ozone, which locally reduces ozone concentrations, is referred to as ozone scavenging and is one of the primary local sinks for ozone in the lower atmosphere in and near NO source areas. Since emissions of NOx from fuel combustion sources, whether internal combustion engines or stationary combustion sources, such as industrial boilers, contain significant amounts of NO, it is expected that ozone concentrations immediately downwind of such NOx sources will be reduced through ozone scavenging. Therefore, reducing NOx emissions can lead to increased ozone concentrations in the vicinity of the controlled NOx emission sources, whereas reducing NOx emissions may lead to reduction in ozone concentrations further downwind. Reducing NOx emissions in VOC-limited areas (areas with low VOC emissions relative to NOx emissions) may produce minimal ozone reductions or even ozone increases. This pattern of NOx scavenging is demonstrated in the LADCo modeling. Therefore, controlling low level NOx in Milwaukee area could in fact increase ozone concentrations in local areas.

Comment: The Wisconsin request utilizes the BEIS-I inventory for biogenics emissions. The Ozone Transport Assessment Group (OTAG) concluded that the BEIS-II inventory is the preferred inventory for UAM analyses.

Response: The BEIS-I was the approved and most appropriate biogenic emissions inventory available to LADCo when the NOx model analysis was performed. Any subsequent modeling performed by LADCo will utilize the BEIS-II biogenic emissions inventory.

Comment: OTAG concluded, with Wisconsin's concurrence, that both elevated and low level NOx reductions are effective in reducing ozone levels. These conclusions were based extensively on OTAG modeling, and are significant and relevant to EPA's action on this rule. The modeling clearly demonstrated the efficacy of reducing low-level (mobile source) NOx in controlling ozone. The conclusions of the policy group were that such reductions were cost effective, and beneficial to reduce transport to downwind areas.

Response: While EPA agrees in a general sense that OTAG recommended NOx reductions from all source categories will reduce the transport of ozone, it should be noted that OTAG concluded that States must have the opportunity to conduct additional local and subregional modeling to assess appropriateness, type, and timing of controls. OTAG further concludes that States can work together, in coordination with EPA, toward completing local SIPs including an evaluation of possible local NOx disbenefits. The EPA believes that the specific modeling done by LADCo should override OTAG's general findings as it pertains to NOx disbenefits.

Comment: The OTAG concluded that ''disbenefit'' analyses found ozone increases to be less frequent and severe than EPA concluded based on the July 13, 1994, LADCo section 182(f) NOx waiver submittal, on which the Wisconsin transportation conformity waiver is based.

Response: The OTAG-fine grid analysis utilized a 12 km grid as compared to the LADCo fine grid of 4 km. This disparity in fine-grid size de-emphasizes the NOx disbenefit at the local urbanized area. OTAG concluded that some areas will experience local NOx disbenefits at more frequent pronounced levels. The EPA believes that the LADCO fine-grid analysis is more relevant than the waiver determination.

Comment: In previous rulemakings on similar NOx waiver requests, EPA committed to incorporate the OTAG findings in ''future'' EPA rulemakings. The OTAG has completed its analyses, and the EPA proposed approval of Wisconsin's section 182(b) waiver is in direct conflict with the OTAG's findings and EPA's commitment to utilize those findings.

Response: The summary of the OTAG finding states that NOx reductions decrease and increase ozone; decreases occur domain wide, increases are confined to a few days in a few urban

areas. These local increases are due mostly to low level urban NOx reductions. These findings are consistent with the LADCo analysis for this waiver.

The EPA's recently signed proposed regional NOx rulemaking uses the OTAG findings to identify States which contribute significantly to ozone problem areas in other States. In addition, the proposed rulemaking establishes State-wide NOx budgets for the year 2007.

A section of the rulemaking also solicits comments on approaches that can be used to address the disbenefit issue in areas such as Lake Michigan. Subsequent modeling by the LADCo States will need to address the disbenefit issue as it pertains to the NOx budget, ozone transport, and attainment.

III. EPA Action

In this final action, EPA is approving the transportation conformity NOx waiver SIP revision for the State of Wisconsin. In light of the modeling completed thus far and considering the importance of the Ozone Transport Assessment Group (OTAG) process and attainment plan modeling efforts, EPA notes that it may reexamine the impact of this NOx waiver. In the near future, EPA intends to require appropriate States to submit SIP measures to achieve emissions reductions of ozone precursors needed to prevent significant transport of ozone. The EPA will evaluate Wisconsin's submitted SIP measures and available refined modeling to determine whether the NOx waiver should remain in place, or whether EPA will require a new plan revision.

The EPA also reserves the right to require NOx emission controls for transportation sources under section 110(a)(2)(D) of the Act if future ozone modeling demonstrates that such controls are needed to achieve the ozone standard in downwind areas.

IV. Miscellaneous

A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

B. Executive Order (E.O.) 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

C. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2)

F. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 6, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Oxides of Nitrogen, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

Dated: January 22, 1998.

David A. Ullrich,

Acting Regional Administrator, Region V.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C 7401 *et seq.*

Subpart YY—Wisconsin

2. Section 52.2585 is amended by adding paragraph (m) to read as follows:

§ 52.2585 Control strategy: Ozone.

* * * * *

(m) Approval—On July 10, 1996, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a request to waive the Oxide of Nitrogen requirements for transportation conformity in the Milwaukee and Manitowoc ozone nonattainment areas.

[FR Doc. 98–2616 Filed 2–2–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91–283; RM–7807, RM–8772]

Radio Broadcasting Services; George West, and Corpus Christi, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of G & W Radio, allots Channel 228C3 to George West, Texas, as the community's second local FM service. *See* 56 FR 50843, October 9, 1991. The Commission also denies a counterproposal (RM–8772) filed by Reina Broadcasting, Inc. requesting the substitution of Channel 234C2 for Channel 234C3 at Corpus Christi, Texas, since Reina failed to provide the express agreement of Four M.L. Broadcasting (applicant for Channel 281A at George West) to upgrade and open a new filing window for Channel 281C3 at George West. Channel 228C3 can be allotted to George West in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.0 kilometers (7.5 miles) southwest to avoid a short-spacing to vacant Channel 281A, George West, Texas. The coordinates for Channel 228C3 are 28–15–46 and 98–12–24. Mexican concurrence for this allotment has been received since George West is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

With this action, this proceeding is terminated.

EFFECTIVE DATE: March 2, 1998. The filing for Channel 228C3 at George West, Texas, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–283, adopted January 7, 1998, and released January 16, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

Part 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334,336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 228C3 at George West.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–1892 Filed 2–2–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket PS–118A; Amendment 192–82]

RIN 2137–AC55

Excess Flow Valve—Customer Notification

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule requires operators of natural gas distribution systems to provide certain customers with information about excess flow valves (EFV's). Specifically, customers of new and replaced single residence service lines must be provided written notification about the availability of these valves meeting DOT-prescribed performance standards, and related safety benefits and costs. If a customer requests installation, the rule requires an operator to install the EFV if the customer pays all costs associated with installation. EFVs restrict the flow of gas by closing automatically if a service line breaks, thus, mitigating the consequences of service line failures. This regulation would enhance public awareness of the potential safety benefits from installing an EFV.

DATES: This final rule takes effect February 3, 1998.

FOR FURTHER INFORMATION CONTACT: Mike M. Israni, telephone (202) 366–4571, or e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this final rule, or the Dockets Unit (202) 366–4453 for copies of this final rule or other material in the docket referenced in this rule.

SUPPLEMENTARY INFORMATION:

Background

During routine excavation activities, excavators often sever gas service lines causing loss of life, injury, or property damage by fire or explosion. EFVs restrict the flow of gas by closing automatically if a service line breaks, and mitigate the consequences of service line failures. Despite efforts, such as damage prevention programs, to reduce the frequency of excavation-related service line incidents on natural gas service lines, such incidents persist and result in death, injury, fire, or explosion. Because damage prevention measures are not foolproof, RSPA has sought an appropriate means to mitigate the consequences of these incidents. The National Transportation Safety Board (NTSB) and others have recommended EFVs to mitigate the consequences of such incidents, thus, saving lives and lessening the extent of property damage.

By having an operator inform its customers of the availability of EFVs for installation at a cost and the resultant safety benefits, customers can decide if they want the operator to install an EFV on the service line. Notification giving information on EFVs may encourage EFV use and, by encouraging such use, may lead to reduced fatalities, injuries, and property damage that can result from excavation-related incidents on gas service lines.

Statutory Requirement

In 49 U.S.C. 60110 Congress directed the Department of Transportation (DOT) to issue regulations requiring operators to notify customers in writing about EFV availability, the safety benefits derived from installation, and costs associated with installation, maintenance, and replacement. The regulations were to provide that, except where installation is already required, if the customer requests installation, an operator must install an EFV that meets